

JAN 17 2007

Application No.: 10/749306

Case No.: 59378US002

REMARKS

Claims 1 to 45 are pending in this application. Claims 28 to 45 have been withdrawn from consideration. Claims 1 to 26 stand rejected, and claim 27 has been allowed. Claim 1 has been amended by this Response. Applicants respectfully request reconsideration of the rejected claims in view of the amendment to claim 1 and the following remarks.

§ 112 Rejection

Claims 1-26 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. In particular, the Office Action notes that step (a) of claim 1 recites a dental mill blank comprising a "substantially uncured" composition, but in step (b) the claim recites an "uncured shaped article." The Office Action asserts that it is unclear whether the broader term "substantially uncured", which encompasses certain slightly cured materials in addition to uncured materials (see page 7, lines 7-14 of the present specification), applies to the shaped article recited in step (b).

For the sake of clarity, Applicants have amended step (b) of claim 1 to recite a "substantially uncured shaped article." Support for this amendment is found, for example, on page 2, lines 23-26, and page 4, lines 17-26 of the specification. No new matter is added by this change to the claim.

In view of the amendment to claim 1, Applicants submit that the rejection of claims 1-26 under 35 USC § 112, second paragraph, has been overcome, and should be withdrawn.

§ 102 Rejection

Claims 1-4, 13-17, and 19-23 stand rejected under 35 USC § 102(e) as being anticipated by Jia et al., U.S. Patent No. 6,787,584 (hereinafter "Jia"). The Office Action asserts that Jia discloses all of the elements recited in these claims. Applicants respectfully traverse this rejection.

The Office Action asserts that Jia discloses a step of machining a "substantially uncured" mill blank. In support of this assertion, the Office Action points to column 7, lines 62 to 65, which describes machining a "pre-cured" block into a desired shape. It appears that the Office Action is equating a "pre-cured" composition with a "partially cured" composition. However, this reading is

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not consistent with the ordinary meaning of the prefix "pre-" nor is it consistent with Jia's usage of this term. Jia uses the prefix "pre-" in its ordinary sense to mean "before" and does not use it to mean "partially." Specifically, Jia states that the material is "pre-cured and formed into a hardened block. Subsequent machining or CAD/CAM processing of the block to form a desired shape, such as the shape of an implant device, can then be performed." (Col. 7, lines 64-67.) In this context, it is clear that Jia uses the term "pre-cured" to mean that the block of material has been cured before ("pre-") machining or CAD/CAM processing. Thus, Jia does not disclose machining a mill blank that is substantially uncured, as is recited in claim 1. Since Jia fails to disclose all of the recited elements, it does not anticipate claim 1 or any of the claims that depend from claim 1. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The § 102(e) rejection should, therefore, be withdrawn.

§ 103 Rejections

Claims 5-12 and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Jia in view of Guzauskas, U.S. Patent No. 5,747,553. Claim 24 is also rejected under 35 USC § 103(a) as being unpatentable over Jia. Since claims 5-12, 18 and 24 all ultimately depend from claim 1, they are all patentable for the same reasons provided above with respect to claim 1. Guzauskas does not compensate for the above-mentioned deficiencies of Jia. Thus, it is submitted that the § 103 rejections should also be withdrawn.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Reconsideration of the application is requested.

All communications in this case should be direct to the undersigned. If the Examiner believes a telephone discussion would be helpful to resolve any of the outstanding issue in this case, the Examiner is encouraged to call the undersigned at the number listed below

Respectfully submitted,

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Date

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